

ORDINANCE NO. 2013-0012

An ordinance authorizing the approval and execution of a development agreement ("Development Agreement"), pursuant to Section 65864, et seq., of the California Government Code and Section 22.16.240, et seq., of the Los Angeles County Code ("County Code"), by and between the County of Los Angeles ("County") and Universal Studios LLC, a Delaware limited liability company.

WHEREAS, the County and the Universal Studios LLC desire to enter into a Development Agreement pursuant to Section 65864, et seq., of the Government Code and Section 22.16.240, et seq., of the County Code with respect to the real property generally located at 100 Universal City Plaza, in the unincorporated area identified as Universal City on the County's Zoned District Map and more particularly described in Exhibit A to the Development Agreement, which is attached hereto and incorporated herein by this reference; and

WHEREAS, the permittee, Universal City Studios, LLC ("Permittee"), proposes a multi-use development on an existing 296-acre project site, which development includes the proposed annexation of approximately three acres of County unincorporated area to the City of Los Angeles ("City") ("Annexation Area") and the detachment of approximately 30 acres from the City to the County ("Detachment Area"), for a net addition of 27 acres to the County unincorporated area. The existing 296 acres as well as the Detachment Area are collectively referred to herein as the "Project Site," and after the detachment and annexation, the Project Site would total approximately 323 acres. The Project, as defined below, includes a total of 2,433,000 gross square

feet of new development and 544,460 square feet of demolition of existing development, for a total of 1,888,540 net square feet of new development on the Project Site. The additional development and the demolition are proposed to occur in seven designated land use categories which are defined in the Specific Plan and located throughout the Project Site: (1) Studio Use; (2) Studio Office; (3) Office; (4) Entertainment Use; (5) Entertainment Retail Use; (6) Amphitheater; and (7) Hotel. The Studio Use category includes a total of 443,000 square feet of new development and 185,051 square feet of demolition, for a total of 257,949 additional permitted square feet. The Studio Office category includes a total of 415,000 square feet of new development and 80,226 square feet of demolition, for a total of 334,774 additional permitted square feet. The Office category includes a total of 550,000 square feet of new development and 54,594 square feet of demolition, for a total of 495,406 additional permitted square feet. The Entertainment Use category includes a total of 445,000 square feet of new development and 107,105 square feet of demolition, for a total of 337,895 additional permitted square feet. The Entertainment Retail Use category includes a total of 70,000 square feet of new development and 6,884 square feet of demolition, for a total of 63,116 additional permitted square feet. The Amphitheater category includes a total of 60,000 square feet of new development and 110,600 square feet of demolition, for a total reduction of 50,600 square feet. The Hotel category includes a total of 450,000 square feet of new development containing a maximum of 500 rooms and no demolition. This overall multi-use development is collectively referred to herein as the "Project"; and

WHEREAS, in connection with the Project, the Permittee has requested the approval of General Plan Amendment Case No. 2007-00001-(3) ("Plan Amendment"), Specific Plan Case No. 2007-00001-(3) ("Specific Plan"), Zone Change Case No. 2007-00001-(3) ("Zone Change"), and this Development Agreement Case No. 2007-00001-(3) ("Development Agreement"); and

WHEREAS, on February 27, 2013, the Regional Planning Commission ("Commission") conducted a duly-noticed public hearing on the Project. The Commission heard a presentation from staff and testimony from representatives of the Permittee as well as from members of the public. The Permittee's representatives testified in favor of the Project, and 37 people testified regarding the Project. Of the members of the public who testified, 32 people spoke in favor of the Project, and five people expressed concerns. There being no further testimony, the Commission closed the public hearing and, acting as a Responsible Agency under the California Environmental Quality Act ("CEQA"), the Commission considered the environmental effects of the Project as shown in the certified EIR and adopted the County's CEQA Findings of Fact and Statement of Overriding Considerations ("Findings and SOC") as well as the County's Mitigation Monitoring and Reporting Program ("MMRP"). The Commission found that the benefits of the Project outweighed the significant and unavoidable impacts of the Project identified in the EIR. Because the requested approvals were all legislative actions, the Commission adopted a resolution recommending approval of the Plan Amendment, Zone Change, Specific Plan, and this Development Agreement to the County Board of Supervisors ("Board"); and

WHEREAS, pursuant to section 65864, et seq., of the California Government Code, the Commission transmitted to the Board its findings and recommendations; and

WHEREAS, the Board conducted a duly-noticed public hearing on the Development Agreement on April 23, 2013. The Development Agreement was heard concurrently with the Plan Amendment, Zone Change, and Specific Plan; and

WHEREAS, the Board, acting as a Responsible Agency under CEQA, considered the effects of the Project as shown in the EIR for the Project, prepared and certified by the City as Lead Agency, along with the associated MMRP and the Findings and SOC. After considering the certified EIR and on the basis of the whole record before it, the Board found that with the mitigation measures set forth in and carried out through the MMRP, there is no substantial evidence that the Project would have a significant effect on the environment other than the significant and unavoidable impacts identified in the EIR and the Findings and SOC related to operational traffic, construction noise, operational and construction air quality, and operational solid waste. As set forth in the Findings and SOC, the Board found that the benefits of the Project outweigh the Project's significant and unavoidable impacts. The Findings and SOC are incorporated herein by this reference, as if set forth in full.

WHEREAS, the County and the Permittee intend that Universal Studios LLC will return an executed Development Agreement to the Executive Officer-Clerk of the Board within 30 days after the date of the Board's approval of this ordinance; and

NOW, THEREFORE, the Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. The Board of Supervisors finds, with respect to the Development Agreement, that:

A. Based on substantial evidence in the record, including, without limitation, the written and oral staff reports, the EIR, the General Plan, and the documentary record and testimony before the Commission and the Board, the Development Agreement is consistent with the objectives, goals, and policies of the General Plan, as amended by the Plan Amendment.

B. The Development Agreement is consistent with the Specific Plan for the subject property, and complies with the County's zoning and other applicable ordinances and regulations as amended by the Zone Change and as set forth in the Specific Plan.

C. The Development Agreement is consistent with the public convenience, general welfare, and good land use practice, making it in the public interest to enter into the Development Agreement with Universal Studios LLC.

D. Taking into account the conditions and site-specific regulations contained in the Specific Plan, the Development Agreement will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.

E. The Development Agreement complies with the prescribed terms, conditions, restrictions, and requirements set forth in County Code Section 22.16.320. Pursuant to Section 22.16.320, the Development Agreement and Project entitlements provide for the duration of the Development Agreement, the termination date of the Development Agreement, the uses permitted on the subject property, the density and intensity of use allowed on the subject property, the minimum height, size, and location of buildings allowed, and the time schedule for periodic review, as well as the public benefits that would not otherwise be provided by the Permittee or Universal Studios LLC in the absence of a Development Agreement.

F. The Development Agreement is necessary to strengthen the public planning process and to reduce the public and private costs of development uncertainty.

SECTION 2. Approval of the Development Agreement will be effective 30 days after the date the Board approves this ordinance, provided that the Development Agreement executed by Universal Studios LLC is received by the Executive Officer-Clerk of the Board within that 30-day time period.

SECTION 3. The Board hereby approves the Development Agreement, a copy of which is attached hereto, and authorizes and directs the Chairman of the Board to execute the Development Agreement on behalf of the County pursuant to the provisions of Section 22.16.390 of the County Code.

SECTION 4. The Executive Officer-Clerk of the Board shall certify the adoption of this ordinance.

I hereby certify that this ordinance was adopted by the Board of Supervisors of the County of Los Angeles, at its meeting of April 30, 2013.



SACHI A. HAMAI, Executive Officer-
Clerk of the Board of Supervisors of the
County of Los Angeles

By

Deputy

APPROVED AS TO FORM:

JOHN F. KRATTLI
County Counsel

By

Deputy

Attachment

SECTION 5. This ordinance shall be published in The Daily Commerce a newspaper printed and published in the County of Los Angeles.



Mark Ridley-Thomas

Chairman

ATTEST:

Sachi A. Hamai

Sachi A. Hamai
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that at its meeting of April 30, 2013 the foregoing ordinance was adopted by the Board of Supervisors of said County of Los Angeles by the following vote, to wit:

Ayes

Supervisors Gloria Molina
Mark Ridley-Thomas
Zev Yaroslavsky
Don Knabe
Michael D. Antonovich

Noes

Supervisors None

Effective Date: May 30, 2013

Operative Date:

Sachi A. Hamai

Sachi A. Hamai
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles



APPROVED AS TO FORM:
JOHN F. KRATTLI
County Counsel

By

Richard D. Weiss

Richard D. Weiss
Chief Deputy County Counsel